Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the combined third and fourth periodic reports of Saudi Arabia*

1. The Committee considered the combined third and fourth periodic reports of Saudi Arabia (CEDAW/C/SAU/3-4) at its 1582nd and 1583rd meetings (see CEDAW/C/SR.1582 and CEDAW/C/SR.1583), held on 27 February 2018. The Committee's list of issues and questions is contained in CEDAW/C/SAU/Q/3-4 and the responses of Saudi Arabia are contained in CEDAW/C/SAU/Q/3-4/Add.1.

A. Introduction

2. The Committee appreciates the submission by the State party of its combined third and fourth periodic reports. It also appreciates the State party's written replies to the list of issues and questions raised by the pre-sessional working group, as well as the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party on its high-level delegation, which was headed by the Chair of the Human Rights Commission in Saudi Arabia, Bandar al-Aiban, and included representatives of the Ministry of Foreign Affairs, the Ministry of Justice, the Ministry of Health, the Ministry of Education, the Ministry of the Interior, the Ministry of Labour and Social Development, the Ministry of Economy and Planning, the Ministry of Islamic Affairs, Da'wah and Guidance, the Ministry of Culture and Information, the Public Prosecutor's Office, the Expert Advisory Panel at the Council of Ministers, the Supreme Judicial Council, the General Authority for Statistics, the National Family Safety Programme, the General Sport Authority, the King Salman Humanitarian Aid and Relief Centre, the Human Rights Commission in Saudi Arabia and the Permanent Mission of Saudi Arabia to the United Nations Office and other international organizations in Geneva.

B. Positive aspects

4. The Committee welcomes the progress achieved since its consideration in 2008 of the State party's combined initial and second periodic reports (CEDAW/C/SAU/2) in undertaking legislative reforms, in particular the adoption of the following:

* Adopted by the Committee at its sixty-ninth session (19 February–9 March 2018).

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(a) Supreme Order of 26 September 2017, which allows the issuance of driving licences on equal terms to women and men;

(b) Supreme Order No. 33322 (2017), by which, among other things, all government entities are instructed to refrain from requiring a woman to obtain a male guardian's permission in order to have access to services and procedures, except where justified by law;

(c) Law on Protection from Abuse (2013), criminalizing domestic violence, including physical, psychological and sexual violence;

(d) Royal Decree No. M/28 (2013), on the amendment of article 67 of the Civil Status Act, which makes it mandatory for a woman to obtain a national identity card.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, including the adoption of the following:

(a) Vision 2030 (2016);

(b) Tenth development plan, covering the period 2015–2019, which is aimed at, among other things, empowering women and increasing their contribution to the economic and social development of the State party.

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has ratified or acceded to the following international and regional instruments:

(a) Minimum Age Convention, 1973 (No. 138), of the International Labour Organization, in 2014;

(b) Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in 2011;

(c) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in 2010;

(d) Arab Charter on Human Rights, in 2009;

(e) Convention on the Rights of Persons with Disabilities and its Optional Protocol, in 2008.

Sustainable Development Goals

7. The Committee notes with satisfaction the commitment of the State party to implementing the Sustainable Development Goals and to establishing a new mechanism to attain them. The Committee recalls the importance of indicator 5.1.1 and commends the State party on its positive efforts to implement sustainable development policies.

C. Parliament

8. The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites the Shura Council, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the submission of the next periodic report.

D. Principal areas of concern and recommendations

Withdrawal of reservations

9. Notwithstanding the explanations given by the delegation, the Committee remains concerned about the State party's reluctance to withdraw its general reservation, whereby precedence is given to the sharia in case of any conflict between the provisions of the Convention and those of the sharia, and its reservation to article 9 (2) of the Convention, which constitute an obstacle to the implementation of the Convention as a whole.

10. **The Committee reminds the State party that its general reservation is incompatible with the object and purpose of the Convention and is thus impermissible under article 28 of the Convention (see the statement by the Committee on reservations, adopted at its nineteenth session, in 1998). The Committee recommends that the State party review its general reservation and its reservation to article 9 (2) of the Convention, in consultation with leaders of religious communities, religious scholars and women leaders, with a view to withdrawing the reservations within an established time frame, taking into consideration the best practices of countries that are members of the Organization of Islamic Cooperation and have similar cultural and religious backgrounds and legal systems.**

Amendment to article 20 (1) of the Convention

11. The Committee notes that the State party intends to accept the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee, but has not yet taken the necessary formal steps.

12. **The Committee recommends that the State party accept the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.**

Legislative framework

13. The Committee notes with concern the State party's understanding of the principle of equality, which implies complementarities and harmony rather than equal rights for women and men. It is also concerned about the lack of comprehensive non-discrimination legislation and the absence of the grounds of sex and gender in the equality guarantee under article 8 of the Basic Law of Governance.

14. **The Committee recommends that the State party amend its Basic Law of Governance and adopt and effectively implement comprehensive anti-discrimination legislation that includes a definition of discrimination against women, encompassing both direct and indirect discrimination in the public and private spheres and in all areas covered by the Convention, in line with article 1 of the Convention.**

Discriminatory laws

15. The Committee notes with appreciation that a number of regulations, royal orders and Cabinet decisions on women's rights have recently been promulgated or amended. It remains concerned, however, about the persistence of discriminatory laws in the State party, in particular the legal provisions relating to personal status, the Civil Status Code, the Labour Code, the Nationality Act and the system of male guardianship, which subjects women's enjoyment of most of their rights under the Convention to the authorization of a male guardian. While noting that the State party's legislation is derived from the sharia, the Committee considers that diversity of

opinion and juridical concepts exist within the Muslim jurisdiction to enable legislative reform and address discriminatory provisions.

16. **The Committee draws the attention of the State party to its obligation to ensure that traditions, religion and culture are not used to justify discrimination against women and violations of the rights enshrined in the Convention. It recommends that the State party:**

(a) **Open a participatory national dialogue, engaging women, on women's human rights in Islam, with a view to examining existing laws and regulations in order to dissociate the provisions deriving from religion from those falling within the scope of traditions and customs, and develop jurisprudence allowing for Islamic legislation to be adapted to the current context of women;**

(b) **Expedite a comprehensive review of its legislation to ensure compatibility with the Convention;**

(c) **Accelerate its efforts to repeal all remaining discriminatory provisions in its legislation, in particular those that require a male guardian's authorization of women's exercise of their rights, in line with articles 1 and 2 of the Convention and target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere.**

Women and peace and security

17. The Committee is concerned about credible and consistent information that the State party, through its military operations in Yemen, is responsible for violations of the rights of Yemeni women and girls. In particular, the Committee expresses its deep concern about information that:

(a) A large number of women and girls have been killed and injured as a result of indiscriminate air strikes by the State party-led coalition on civilian areas and camps for internally displaced persons;

(b) Many women and girls in Yemen face life-threatening levels of malnutrition and thousands are currently at risk of dying from diseases, owing to the dire humanitarian crisis and the imposition by all belligerents of obstacles to the delivery of humanitarian assistance.

18. **The Committee urges the State party:**

(a) **To put an end to its military operations in Yemen and use peaceful means by which to resolve the conflict;**

(b) **To ensure respect for the rules of international humanitarian law that are applicable to women in armed conflict;**

(c) **To ensure the prohibition of attacks against civilians and civilian objects and to facilitate the rapid and unimpeded passage of humanitarian relief for civilians in need (see A/HRC/33/38, paras. 71 (b) and (d));**

(d) **To respond to the call by the United Nations High Commissioner for Human Rights for the establishment of an international, independent investigative body to carry out comprehensive investigations of allegations of violations of international humanitarian and international human rights law in Yemen (see ibid., para. 74 (a));**

(e) **To ensure that women affected by the conflict have effective access to justice, redress and assistance, including psychological assistance;**

(f) **To promote the meaningful inclusion and participation of women in formal and informal peace negotiations and in the prevention, management and**

resolution of conflicts, in line with Security Council resolution 1325 (2000) on women and peace and security and subsequent resolutions on the subject, as well as the Committee's general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, in particular with regard to the extraterritorial obligations of States parties.

Access to justice

19. The Committee notes the measures taken to reduce impediments to women's access to justice and the various complaint mechanisms accessible to women who are victims of discrimination or gender-based violence. It is concerned, however, about persisting barriers to women's access to justice, in particular:

(a) The slow implementation of the measures taken to facilitate access;

(b) The lack of coordination among complaint mechanisms;

(c) Women's limited knowledge of their rights and existing complaint mechanisms, and their fear of reprisals and stigmatization;

(d) The lack of adequate legal aid services;

(e) The lack of knowledge and sensitivity with regard to women's rights on the part of law enforcement officials and legal practitioners;

(f) The need for women and girls to obtain the authorization of a male guardian to file complaints.

20. **The Committee, in line with its general recommendation No. 33 (2015) on women's access to justice, recommends that the State party:**

(a) **Speed up the implementation of the measures taken to facilitate women's access to justice;**

(b) **Strengthen coordination among complaint mechanisms;**

(c) **Enhance women's awareness of their rights and the means of enforcing them;**

(d) **Encourage women who are victims of gender-based discrimination to report their cases, including by protecting them against any form of reprisals and by destigmatizing them;**

(e) **Institutionalize legal aid that is accessible, sustainable and responsive to the needs of women;**

(f) **Take immediate steps, including providing justice system personnel with capacity-building and training programmes on the Convention and women's rights, and ensure that sharia courts harmonize their norms, procedures and practices with the Convention and other international human rights standards;**

(g) **Ensure that women and girls can file complaints without the authorization of a male guardian.**

National machinery for the advancement of women

21. The Committee notes with appreciation the ambitious Vision 2030 project and considers it to be a unique opportunity to strengthen women's human rights. It also notes the creation, in 2016, of the Council for Family Affairs, which is the supervisory and coordinating body responsible for policymaking for the family, women, children and older persons. It is concerned, however, about the lack of information on the legal framework defining the mandate and authority of the Council and regulating its

relationship with relevant ministries and entities, including women's units; the human, technical and financial resources allocated from the national budget for its functioning; and its presence at the governorate and local levels. The Committee is also concerned that the State party has not yet developed or adopted a national strategy to support gender equality and the empowerment of women.

22. **The Committee recommends that the State party:**

(a) **Ensure coherence between Vision 2030 and the Sustainable Development Goals in order to accelerate the realization of women's rights and empowerment;**

(b) **Provide detailed information on the mandate, status and authority of the Council for Family Affairs and its relationship with relevant ministries and women's non-governmental organizations, on the human, technical and financial resources allocated from the national budget to the Council and on the presence of the Council at the governorate and local levels;**

(c) **Expeditiously develop and adopt a national strategy to support gender equality and the empowerment of women, as well as a plan of action that clearly defines the competencies of national and local authorities regarding its implementation and that is supported by a comprehensive data collection and monitoring system.**

National human rights institution

23. The Committee notes that the national Human Rights Commission monitors and receives complaints from women alleging violations of their human rights. It is concerned, however, that the State party has not yet established an independent national human rights institution, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

24. **The Committee recommends that the State party expeditiously establish an independent national human rights institution, in accordance with the Paris Principles, and ensure that it has a specific mandate to promote and protect women's rights and gender equality and has sufficient human, technical and financial resources.**

Civil society and non-governmental organizations

25. The Committee notes the adoption of the Law on Associations and Foundations (2015) and the increase in the number of civil society organizations in the State party. It remains concerned, however, that:

(a) There is a lack of vibrant, autonomous and diversified civil society, as reflected by the lack of alternative reports received by the Committee from national non-governmental organizations on the implementation of the Convention in the State party;

(b) Women's freedom of association is impeded by lengthy registration procedures and subject to the approval of the Ministry of Labour and Social Development, as well as excessive supervision, and that associations, including women's organizations, are prohibited from working on political and human rights issues.

26. **The Committee recommends that the State party amend the Law on Associations and Foundations to ensure an enabling environment in which civil society organizations, in particular women's non-governmental organizations**

and associations, may be freely established and engage in political and public life, in accordance with article 7 (c) of the Convention.

Stereotypes and harmful practices

27. The Committee notes the State party's efforts to address discriminatory stereotypes regarding the roles and responsibilities of women and men in society and in the family. It remains concerned, however, about the persistence of discriminatory stereotypes that focus primarily on the role of women as mothers and housewives.

28. **The Committee recommends that the State party put in place, without delay, a comprehensive strategy and an action plan to modify or eliminate patriarchal attitudes and stereotypes that discriminate against women, in collaboration with civil society, the media and community and religious leaders, to educate and raise awareness with regard to the equal roles and responsibilities of women and men in the family and in society.**

29. The Committee is concerned about the persistence of a number of harmful practices, including child and/or forced marriage and a compulsory dress code for women.

30. **In the light of joint general recommendation No. 31 of the Committee on the Elimination of Discrimination against Women/general comment No. 18 of the Committee on the Rights of the Child (2014) on harmful practices, the Committee recommends that the State party:**

(a) **Undertake a national study on the prevalence of harmful practices, including child and/or forced marriage, and continue to take measures to eliminate them, especially in rural and remote areas;**

(b) **Ensure women's right to choose their dress, including by taking effective measures to protect them from violence, threats or coercion by the religious police and male guardians;**

(c) **Strengthen support measures, such as shelters, counselling and rehabilitation services, for victims of harmful practices and raise awareness of the many negative consequences of those practices, targeting in particular parents, teachers, religious and community leaders and health and education professionals.**

Gender-based violence against women

31. The Committee notes the enactment of the Law on Protection from Abuse (2013), which criminalizes domestic violence, and the establishment of shelters throughout the country. It notes with concern, however:

(a) The prevalence of gender-based violence against women, in particular domestic and sexual violence, which remains largely underreported and undocumented;

(b) The non-criminalization of rape, including marital rape, sexual assault, sexual harassment and economic violence, in the Law on Protection from Abuse;

(c) The absence of comprehensive legislation to criminalize all forms of gender-based violence against women;

(d) That male relatives may bring legal claims against "disobedient" female dependants who flee domestic violence;

(e) The persistent use by male guardians of physical violence to discipline women and children under their guardianship;

(f) That police officers sometimes require women to file a complaint with or through a male guardian or another male relative;

(g) The low rates of prosecution and conviction and the lenient penalties imposed on perpetrators of gender-based violence against women;

(h) The frequent recourse to reconciliation in cases of domestic violence, leading to revictimization, and the frequent forceful return by law enforcement officials of fleeing women to their abusers;

(i) The lack of support services for women who are victims of gender-based violence and the fact that they are not allowed to leave State-run shelters without their male guardian's consent.

32. **Recalling its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, the Committee recommends that the State party:**

(a) **Enforce the Law on Protection from Abuse and enhance its efforts to combat all forms of gender-based violence against women, including domestic and sexual violence;**

(b) **Adopt comprehensive legislation to specifically define and criminalize all forms of gender-based violence against women, in particular economic violence, rape, including marital rape, non-penetrative forms of sexual assault and sexual harassment, and expedite the adoption of the bill on harassment;**

(c) **Review and repeal all legal provisions that exculpate perpetrators of domestic violence, including male guardians;**

(d) **Amend its legislation to ensure that women fleeing their homes who are victims of domestic violence are not convicted of disobedience;**

(e) **Remove all current legal obstacles to access to justice, redress and reparation for women and girls who are victims of gender-based violence, including the requirement to obtain the authorization of a male guardian to lodge complaints, and allocate adequate human, technical and financial resources to the centre established to receive and investigate domestic violence complaints in order to ensure that it is fully operational;**

(f) **Encourage victims of gender-based violence against women to report their cases, including by destigmatizing those victims, and provide capacity-building programmes for judges, prosecutors, police officers and other law enforcement officials on the strict application of relevant criminal law provisions and on gender-sensitive investigation of such cases;**

(g) **Ensure that reports of gender-based violence against women, including of domestic violence, are duly investigated and prosecuted, that perpetrators are adequately punished and that victims have access to appropriate redress, including compensation;**

(h) **Strengthen support services for women who are victims of gender-based violence, including by establishing additional shelters throughout the State party and ensuring the availability of psychosocial rehabilitation and reintegration programmes, and issue clear and explicit guidelines that women may leave those shelters without being released to a male guardian.**

33. The Committee is concerned that women and girls who are victims of sexual abuse risk facing criminal proceedings if they press charges, since the reporting of rape or sexual assault, if not proved, can be considered a confession of sexual

relations outside of marriage (*zina*) or adultery, punishable in the State party by flogging or stoning and, in some instances, death.

34. **The Committee recommends that the State party amend its legislation to ensure that victims of sexual abuse are not punished if they press charges that later cannot be proved, and immediately release and compensate women and girls who have been convicted of and are serving sentences for *zina* or adultery offences, especially migrant women who are victims of sexual violence and abuse.**

Trafficking and exploitation of prostitution

35. The Committee notes the adoption of the Anti-Trafficking in Persons Offences Law, in 2009, a national plan for combating trafficking in persons for the period 2017–2020 and the establishment of the Standing Committee for Combating Trafficking in Persons. The Committee is concerned, however, about:

(a) The limited enforcement of the Anti-Trafficking Law, as reflected by low rates of prosecution and conviction in cases of trafficking in women and girls;

(b) The lack of information on the resources allocated to the Standing Committee and on its capacity to coordinate and monitor the action of the Government in combating trafficking;

(c) The lack of adequate mechanisms to identify and refer to the appropriate social services victims of trafficking or exploitation of prostitution who are reportedly sometimes arrested, detained and deported for acts committed as a consequence of having been trafficked;

(d) The lack of systematically organized measures for rehabilitation and reintegration, including access to counselling, medical treatment, psychological support and redress, including compensation, for victims of trafficking.

36. **The Committee recommends that the State party:**

(a) **Ensure the effective enforcement of the Anti-Trafficking in Persons Offences Law, including by providing judges, prosecutors, border police, immigration authorities and other law enforcement officials with mandatory training in its gender-sensitive application;**

(b) **Investigate, prosecute and punish all cases of trafficking in persons, in particular of women and girls, and ensure that the sentences imposed on perpetrators are commensurate with the gravity of the crime;**

(c) **Ensure that the Standing Committee for Combating Trafficking in Persons is provided with adequate human, technical and financial resources to implement the national plan for combating trafficking in persons for the period 2017–2020, to ensure inter-agency coordination among government security, justice and social services entities to combat trafficking and to strengthen their cooperation with civil society;**

(d) **Adopt adequate mechanisms for the early identification and referral of victims of trafficking;**

(e) **Ensure that women who are victims of trafficking and exploitation of prostitution, irrespective of their ethnic, national or social background and legal status, are exempted from any liability and provided with adequate protection and redress, including rehabilitation and compensation, as well as temporary residence permits;**

(f) **Pursue efforts towards international, regional and bilateral cooperation with countries of origin, transit and destination, including through**

the exchange of information and the harmonization of procedures, to prevent trafficking and bring perpetrators to justice.

Women migrant domestic workers

37. The Committee notes with appreciation the measures taken by the State party to protect the rights of women migrant domestic workers, in particular the adoption of the Regulations concerning Domestic Workers and the Like (2013). It notes with concern, however:

(a) That women migrant domestic workers continue to be subjected to economic and physical abuse and exploitation, the confiscation of passports by employers and the de facto persistence of the *kafalah* system, which further increases their risk of exploitation and makes it difficult for them to change employers, even in cases of abuse;

(b) The limited protection provided by the Regulations concerning Domestic Workers and the Like, the exclusion of domestic workers from the ambit of the Labour Code and access to the labour courts and the fact that domestic workers still cannot change their employer without facing charges of "absconding";

(c) The obstacles impeding access to justice for women migrant domestic workers, including the fear of detention and deportation while legal proceedings are pending;

(d) The lack of regular labour inspections to monitor the working conditions of women migrant domestic workers in their workplaces;

(e) The absence of an enforcement mechanism for the work contracts of women migrant domestic workers;

(f) The inadequate conditions in State-run shelters for women migrant domestic workers who are victims of abuse and exploitation, as the shelters are often overcrowded, provide insufficient support services and restrict freedom of movement.

38. **The Committee, in line with its general recommendation No. 26 (2008) on women migrant workers, recommends that the State party:**

(a) **Strictly enforce the Regulations concerning Domestic Workers and the Like;**

(b) **Extend the application of the Labour Code to domestic workers and adopt a specific law regulating domestic employment, with adequate sanctions for employers engaging in abusive practices;**

(c) **Continue to raise awareness among women migrant domestic workers of their rights under the Convention and available remedies to complain about violations of those rights, including in a language that they can understand, and monitor the activities of employment agencies, including by establishing an enforcement mechanism to ensure that the same contracts are used in the State party and in workers' countries of origin;**

(d) **Enforce the right of domestic workers to change employers legally without having to face charges of absconding and ensure that women migrant domestic workers have effective access to justice, including by guaranteeing their safety and granting them temporary residence permits while legal proceedings are pending;**

(e) **Strictly enforce the prohibition of passport confiscation and ensure regular labour inspections of the workplaces and dormitories of women migrant workers, including private households;**

(f) Strengthen the welfare services and assistance provided to women migrant domestic workers who are victims of abuse and exploitation, including legal assistance, medical and psychosocial care and adequate shelters, and ensure that such services and assistance are gender-responsive and accessible to all women migrant domestic workers, including those who are undocumented;

(g) Ensure that, in administrative and judicial proceedings, including detention and expulsion proceedings, women migrant domestic workers, in particular those who are in an irregular situation, are guaranteed due process before the courts;

(h) Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Domestic Workers Convention, 2011 (No. 189), of the International Labour Organization.

Participation in political and public life

39. The Committee welcomes the appointment of women to the Shura Council, in line with the 20 per cent quota, and the adoption of the Municipal Councils Act (2014), which entitles women to vote in municipal council elections and be elected to the councils. It is concerned, however, about the very low participation of women at all levels of decision-making, including within the Government, the Shura Council, municipal councils, the judiciary and the diplomatic service, and the lack of measures taken to address its underlying causes, including prevailing social and cultural attitudes.

40. **In line with its general recommendation No. 23 (1997) on women in political and public life, the Committee recommends that the State party:**

(a) Adopt measures, including temporary special measures, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, such as increasing quotas and setting benchmarks with specific time frames, in order to promote the equal and full participation of women in political and public life and in decision-making at the national and local levels, including the Government, the Shura Council, municipal councils, the judiciary and the diplomatic service;

(b) Address cultural and practical barriers to the full participation of women as candidates and voters in municipal elections, including the requirement to obtain their male guardian's consent, the lack of identity documents, the lack of knowledge of voting procedures and the lack of financial support and training and mentoring programmes in leadership skills and political campaigning for current and future women leaders.

Nationality

41. The Committee notes Cabinet Decision No. 406 concerning special arrangements for the children of Saudi women married to foreigners (2012), through which those children are granted some "privileges". The Committee remains concerned, however, about:

(a) The strict conditions, under article 8 of the Nationality Law, placed on a Saudi mother married to a foreigner who wishes to pass her nationality on to her children, which may lead to statelessness, as well as the discriminatory provisions with regard to the naturalization of foreign spouses of Saudi women;

(b) The absence of progress made to address the situation of the thousands of stateless (*bidun*) women who remain deprived of their basic right to Saudi nationality and related rights.

42. **The Committee recommends that the State party:**

(a) **Amend the Nationality Law to enable Saudi women to pass on their nationality to their foreign spouses and their children on an equal basis with Saudi men;**

(b) **Regularize the situation of stateless women and ensure their right to nationality without discrimination;**

(c) **Accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.**

Education

43. The Committee notes with appreciation the high rates of enrolment among girls at all levels of education, as well as the measures taken to reduce the rates of illiteracy and school dropout among girls and boys. Nevertheless, the Committee notes with concern that:

(a) Access to education for disadvantaged groups of girls, especially migrant girls, girls with disabilities and girls living in rural and remote areas and in poverty, remains limited, and that rates of illiteracy and school dropout are still high among those girls;

(b) Age-appropriate education in sexual and reproductive health and rights has not been included in curricula;

(c) Teachers lack training in women's rights and gender equality, and traditional images of women's roles and responsibilities in textbooks perpetuate the disadvantaged status of girls and women;

(d) Career guidance encouraging women and girls to choose non-traditional career paths remains limited, in particular in the fields of science and technology;

(e) The number of women and girls engaging in sports and physical activities and in vocational training remains limited.

44. **In line with its general recommendation No. 36 (2017) on the right of girls and women to education, the Committee draws attention to target 4.1 of the Sustainable Development Goals and recommends that the State party ensure that all girls and boys complete free, equitable and high-quality primary and secondary education. It also recommends that the State party:**

(a) **Continue to improve the accessibility and quality of education for all children, in particular disadvantaged groups of girls, and address the disproportionately high rates of illiteracy and dropout among migrant girls, girls with disabilities and girls living in rural and remote areas and in poverty;**

(b) **Ensure that mandatory, age-appropriate sexual and reproductive health education, including education in responsible sexual behaviour, is incorporated as a separate subject into curricula;**

(c) **Ensure that pregnant girls and young women and mothers are reintegrated into and supported in continuing their education;**

(d) **Continue to review curricula and textbooks at all levels of education in order to eliminate discriminatory stereotypes regarding the roles of women, and enhance training for teachers in women's rights and gender equality, with a view to changing existing stereotypes regarding the roles of women and men in the family and in society;**

(e) Step up efforts to provide girls with career counselling in non-traditional career paths and non-stereotypical fields of study that correspond to market demands;

(f) Continue to promote sports and physical activities as well as vocational training for women and girls.

Employment

45. The Committee welcomes the measures taken to promote women's employment, in particular the adoption of a ministerial decree in 2012 stipulating that women no longer need a male guardian's permission to work. The Committee is concerned, however, about:

(a) The insufficient measures taken to promote the concept of shared family responsibilities and to combat the difficulties that women face in reconciling work and family responsibilities;

(b) The lack of clarity regarding access to paid maternity leave in the private sector;

(c) The low participation of women, compared with that of men, in the labour market, especially in the private sector, and the significant discrepancy between women's and men's rates of unemployment;

(d) The lack of enforcement of the ministerial decree of 2012, as many employers continue to require a male guardian's permission in order to allow a woman to work;

(e) The persistent horizontal and vertical occupational segregation and the gender segregation in the labour market, as well as the concentration of women in low-paid jobs;

(f) The persistent gender wage gap in the public and private sectors.

46. **The Committee recommends that the State party:**

(a) Promote the equal sharing of family and domestic responsibilities between women and men, including by introducing compulsory paternity or shared parental leave following childbirth and by providing more and improved childcare facilities;

(b) Ensure access to paid maternity leave in the public and private sectors;

(c) Take measures, including temporary special measures, to enhance women's access to the formal labour market;

(d) Enforce the ministerial decree of 2012 that women no longer need a male guardian's permission to work, including by issuing clear directives to all employers and prosecuting or fining those who continue to require such permission;

(e) Take effective measures, including skills training and incentives, with a view to encouraging women to choose non-traditional career paths and eliminating horizontal and vertical occupational segregation in the public and private sectors, and adopt legislative measures to prohibit gender segregation in the workplace;

(f) Effectively implement Decision No. 2370/1 of the Ministry of Labour and Social Development in order to narrow and ultimately close the gender wage gap.

Health

47. The Committee notes with satisfaction that the health indicators for women have improved significantly in recent years, but is concerned about:

(a) The limited access of women and adolescent girls, in particular nomadic women, to sexual and reproductive health services;

(b) The criminalization of abortion, except when the life of the pregnant woman or girl is at risk, and the fact that this compels women to resort to unsafe abortions;

(c) The limited access to contraceptives, in particular modern contraceptives, especially in rural and remote areas, and the increasing risk of sexually transmitted infections for women.

48. **The Committee, in line with its general recommendation No. 24 (1999) on women and health, recommends that the State party:**

(a) **Provide comprehensive health services, in particular sexual and reproductive health services, including antenatal, delivery and postnatal services, in all governorates, taking into account the special needs of nomadic women;**

(b) **Amend relevant legal provisions to legalize abortion in cases of risk to the health of the pregnant woman, rape, incest and severe impairment of the fetus, and decriminalize it in all other cases, and increase women's access to safe abortions and post-abortion care services;**

(c) **Ensure the availability and accessibility of affordable modern forms of contraception and reproductive health services, and strengthen measures to prevent sexually transmitted infections, including HIV, in particular by encouraging protected sexual relations.**

Economic and social benefits

49. The Committee notes the recent decision to allow women to launch their own businesses without the consent of a male guardian and welcomes specific encouragement provided to women in the business sector. It also welcomes the participation of Saudi women in the Olympic Games for the first time, in 2012. Nevertheless, it is concerned about:

(a) The fact that women received only 21 per cent of social development loans and 15 per cent of bank loans in 2014;

(b) The lack of information on the coverage of pension and social protection schemes for women living in poverty, migrant women, women living in rural and remote areas and women with disabilities;

(c) The lack of information on whether women's organizations are involved in designing and implementing national strategies aimed at achieving the Sustainable Development Goals.

50. **The Committee recommends that the State party:**

(a) **Allocate additional earmarked financial resources for increasing access to microcredit, loans and other forms of financial credit for all women and provide capacity-building aimed at empowering them economically;**

(b) **Take measures, including temporary special measures, to expand the coverage of pension and social protection schemes for women, in particular with**

regard to women living in poverty, migrant women, women living in rural and remote areas and women with disabilities;

(c) Ensure that women's organizations participate in designing and implementing national strategies aimed at achieving the Sustainable Development Goals.

Women living in rural and remote areas

51. The Committee notes with appreciation the initiatives taken in support of women living in rural and remote areas. It remains concerned, however, about the disadvantaged position of those women, who face poverty and difficulties in gaining access to health care, education, income-generating activities, land and other property and have limited participation in decision-making processes at the community level.

52. **The Committee, in line with its general recommendation No. 34 (2016) on the rights of rural women, recommends that the State party develop and implement policies to accelerate the achievement of substantive equality for women living in rural and remote areas in all fields in which they are underrepresented or disadvantaged.**

Gender and climate change

53. The Committee notes that, while the State party has adopted a climate action plan, there is a lack of information on how women participated in the development of the plan and how a gender perspective was incorporated into the identification of adaptation and mitigation measures. It is also concerned about the damage inflicted to the environment in Yemen by the military operations.

54. **The Committee draws attention to its general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change and recommends that the State party, under its extraterritorial obligations, assess the impact of the military operations on the environment in Yemen. It also recommends that the State party provide, in its next periodic report, information on:**

(a) The participation of women in the development and implementation of the climate action plan;

(b) Measures taken to incorporate a gender perspective into adaptation and mitigation efforts.

Women human rights defenders

55. The Committee is particularly concerned that women human rights defenders have reportedly been subjected to harassment, violence and intimidation by law enforcement officials, as well as detention and ill-treatment, for their civic engagement.

56. **The Committee recommends that the State party:**

(a) Refrain from reprisals against women human rights defenders and their relatives;

(b) Ensure that any sanctions imposed on women who peacefully exercise their right to freedom of expression and association are immediately discontinued and that the women are compensated and rehabilitated;

(c) Ensure that women activists are able to exercise their right to freedom of expression and association and that the Counter-Terrorism Law (2014), the

Anti-Cybercrime Law (2007) and Executive Regulation for Electronic Publishing (2011) are not invoked abusively to criminalize women human rights defenders.

Refugee and asylum-seeking women

57. The Committee is concerned about:

(a) The lack of an adequate legal and policy framework to address the precarious and insecure living conditions of refugee and asylum-seeking women;

(b) The fact that refugee and asylum-seeking women are often deprived of basic services and are at a heightened risk of gender-based violence, labour and sexual exploitation and arbitrary arrest, detention and refoulement.

58. **In line with its general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, the Committee recommends that the State party:**

(a) **Expedite the adoption of a gender-sensitive asylum policy and legislative framework to guarantee the security and protection of refugee and asylum-seeking women;**

(b) **Ensure that the principle of non-refoulement is upheld for all women and girls in need of international protection;**

(c) **Increase the access of refugee and asylum-seeking women and girls to basic services and ensure that they are not subjected to gender-based violence and sexual and labour exploitation;**

(d) **Accede to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol thereto.**

Women belonging to religious minority groups

59. The Committee is concerned about the lack of legislation prohibiting discrimination and hate speech based on religion. Nevertheless, it notes that there is a bill pending on combating discrimination and hatred. More specifically, the Committee is concerned about the persistent disadvantaged situation of Shiite women in many fields, including education, employment, health and the media.

60. **The Committee calls upon the State party to expedite the adoption of the bill on combating discrimination and hatred and issue the regulations to implement it in order to address, among other things, the inequalities faced by Shiite women, which are compounded by the intersecting forms of discrimination to which they are subjected.**

Equality before the law and civil matters

61. The Committee welcomes the measures taken to limit the scope of the male guardianship system, including the lifting of the de facto ban on women from driving. It is concerned, however, about the persistence of the male guardianship system, in particular its requirement that women have the permission of a male guardian in order to obtain a passport, travel abroad, study abroad on a government scholarship, choose their place of residence, gain access to health-care services and leave detention centres and State-run shelters. The maintenance of the guardianship system underscores the subordination of women to a male guardian and undermines the rights and capacity of women and girls to develop their personal abilities and make free choices about their lives and life plans.

62. **The Committee recommends that the State party take all measures necessary:**

(a) To abolish practices of male guardianship and adopt implementing regulations to enforce Supreme Order No. 33322 and ensure that it entitles all women to the right to obtain a passport and travel outside the country, study abroad on a government scholarship, choose their place of residence, gain access to health-care services and leave detention centres and State-run shelters without having to seek a male guardian's consent;

(b) To strictly enforce the Supreme Order of 26 September 2017 lifting the de facto ban on women from driving once it enters into force, in June 2018;

(c) To ensure that claims of disobedience by male guardians are not used to subject women to arbitrary detention.

Marriage and family relations

63. The Committee remains concerned about:

(a) The use of the sharia as an explanation for the lack of progress on family law reform and the continued application of discriminatory legal provisions relating to personal status, in particular the requirement that a woman obtain her male guardian's permission to marry, the persistence of polygamy and the limited grounds available to a woman to seek a divorce, while a man may unilaterally divorce his wife for any reason;

(b) The fact that there is still no legally prescribed minimum age of marriage, and that a high proportion of girls continue to marry before the age of 18 years;

(c) Persistent discrimination against women and girls in inheritance law, custody matters, marriage and divorce;

(d) The lack of a written unified personal status law.

64. **The Committee recommends that the State party, in line with general recommendations No. 21 (1994) on equality in marriage and family relations and No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution, review all discriminatory provisions relating to personal status within a specific time frame, with the objective of:**

(a) Removing discriminatory provisions regulating legal capacity, polygamy, divorce, the guardianship system and inheritance;

(b) Discouraging polygamous marriages, in line with general recommendation No. 21 and joint general recommendation No. 31/general comment No. 18;

(c) Prescribing and enforcing a legal minimum age of marriage of 18 years for both women and men;

(d) Intensifying its efforts to enable women and girls to exercise their right to inheritance on an equal basis with men and boys and enacting legislation to ensure that, upon the dissolution of marriage, women have equal rights to property acquired during the marriage;

(e) Adopting a written unified family code based on the principles of equality and non-discrimination and ensuring the effective functioning of personal status courts in order to protect women and alleviate their legal, economic and social marginalization.

Data collection and analysis

65. The Committee takes note of the information provided by the State party on current efforts towards the creation of a database on women, but regrets that the data

disaggregated by sex remain insufficient to enable the proper monitoring of all areas covered by the Convention.

66. **The Committee recommends that the State party enhance the collection, analysis and dissemination of comprehensive data, disaggregating them by sex, age, disability, ethnicity, location and socioeconomic status, and using measurable indicators to assess trends in the situation of women and progress towards the realization by women of substantive equality in all areas covered by the Convention, in particular gender-based violence against women, trafficking in women and girls and women migrant domestic workers.**

Optional Protocol to the Convention

67. **The Committee encourages the State party to ratify the Optional Protocol to the Convention.**

Beijing Declaration and Platform for Action

68. **The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.**

2030 Agenda for Sustainable Development

69. **The Committee calls for the realization of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development.**

Dissemination

70. **The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the ministries, the parliament and the judiciary, to enable their full implementation.**

Technical assistance

71. **The Committee recommends that the State party link the implementation of the Convention to its development efforts and that it avail itself of regional or international technical assistance in this respect.**

Ratification of other treaties

72. **The Committee notes that the adherence of the State party to the nine major international human rights instruments[1] would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Protection of**

[1] The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.

the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance, to which it is not yet a party.

Follow-up to the concluding observations

73. **The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 16 (a), 26, 32 (b) and 62 (a) above.**

Preparation of the next report

74. **The Committee invites the State party to submit its fifth periodic report in March 2022. The report should be submitted on time and, in case of delay, should cover the entire period up to the time of its submission.**

75. **The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I).**